

Patent
Attorney Docket No. 1003300-000743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Magnus Nilsson

Application No.: 09/780,504

Filing Date: February 12, 2001

Title: A METHOD AND A SYSTEM FOR
AUTOMATED BOOKKEEPING

) **MAIL STOP APPEAL BRIEF -
PATENTS**
)) Group Art Unit: 3627
)) Examiner: ALEXANDER G.
)) KALINOWSKI
)) Confirmation No.: 7099
))

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- A Petition for Extension of Time is enclosed.
- Terminal Disclaimer(s) and the \$ 65 \$ 130 fee per Disclaimer due under 37 C.F.R. § 1.20(d) are enclosed.
- Also enclosed is/are: _____
- Small entity status is hereby claimed.
- Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the \$ 395 \$ 790 fee due under 37 C.F.R. § 1.17(e).
- Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- Applicant(s) previously submitted _____ on _____ for which continued examination is requested.
- Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

No additional claim fee is required.

An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	0	20	0	x \$ 50 (1202)	\$ 0
Independent Claims	0	3	0	x \$ 200 (1201)	\$ 0
<input type="checkbox"/> If Amendment adds multiple dependent claims, add \$ 360 (1203)					\$ 0
Total Claim Amendment Fee					\$ 0
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0

Charge _____ to Deposit Account No. 02-4800 for the fee due.

A check in the amount of _____ is enclosed for the fee due.

Charge _____ to credit card for the fee due. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date August 15, 2006

By: 
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In re Patent Application of) MAIL STOP APPEAL BRIEF -
Magnus Nilsson) PATENTS
Application No.: 09/780,504) Group Art Unit: 3627
Filed: February 12, 2001) Examiner: ALEXANDER G.
For: A METHOD AND A SYSTEM FOR) KALINOWSKI
AUTOMATED BOOKKEEPING) Confirmation No.: 7099

REPLY BRIEF FOR APPELLANT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Notice of Appeal filed September 2, 2004, the Appeal Brief filed November 1, 2004, and the Supplemental Appeal Brief filed November 10, 2005 Appellant files herein this Reply Brief. This Reply Brief is in response to an Examiner's Answer dated June 19, 2006. The June 19, 2006 Examiner's Answer provided a two month period for filing a Reply Brief set to expire August 19, 2006. While it is believed that no fees are required in connection with the filing of this Reply Brief, the Commissioner is hereby authorized to charge any appropriate fees that may be required by this paper to Deposit Account No. 02-4800.

Response to Argument

The Examiner's Answer, in item (10) on pages 5 - 8, presents several arguments traversing the arguments presented in the Appeal Brief. The Appellant replies as follows:

The invention, as claimed, is patentable over the prior art of record. Here, independent claims 1 and 9 recite a server having a banking service application and an account service application, wherein data is received at the server for use in the banking service application for conducting a transaction and in the account service application for updating a book-keeping database. Boublik et al., notwithstanding the images of Fig. 9, which is not described in the specification of Boublik et al., simply does not disclose the automated, combined banking service/account service application recited in claim 1. Instead, Boublik et al. is directed to an online

purchasing system, wherein purchasing information can be captured for future downloads and analysis, including being imported into an accounting application (Boublik et al. at ¶ 0032, 0050, 0060).

While Fig. 9 of Boublik et al. discloses “Banking Partners,” it does so only in the context of partners communicating across a firewalled network configuration. There is no reference anywhere in the Boublik et al. document that data is received at the server, wherein the data represents instructions for at least one transaction, and the data is used in a banking service application for conducting the transaction, as recited in claim 1. In fact, Boublik et al. fails to disclose any banking service application. The Examiner’s Answer attempts to overcome this deficiency in Boublik et al. by asserting on page 3 of the Answer that the Appellant has failed to provide an express definition for the term “banking service application.” Then, the Examiner reverses himself by citing to the definition of banking service application on page 6 of the specification. Regardless of this contradictory position, the term “banking service application” is fully supported in the claims and the specification, as evidenced at the very least by the lack of any 35 USC § 112(1) or (2) rejection in the present application. Furthermore, given the clear language of the claims and the specification, there is no ambiguity regarding the claimed banking service application. *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (CAFC 1996) (“First, we look to the words of the claims themselves . . . to define the scope of the patented invention.”); *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (CAFC 1995) (while the claims define the invention, the specification provides context by “explain[ing] the invention” and “may act as a sort of dictionary . . . [when the patentee clearly] define[s] terms used in the claims.”). Accordingly, there is no need to rewrite the claims, in the manner suggested by the Examiner’s Answer, according to Webster’s definition of what might constitute a “bank.”

Even assuming that a dictionary definition of a “bank” is relevant to the recited features of claim 1, the Answer has provided no support for the leaps of logic presented on pages 6 and 7 of the Answer which concludes that the online buying transaction of Boublik et al. is analogous to Appellant’s banking service application. Further, contrary to the assertions of the Examiner’s Answer, there is no relationship disclosed in Boublik et al. between the unexplained physical network architecture of Fig. 9 and the transmission of any funds. In fact, Boublik et al. is completely silent regarding the handling, exchange, or transmission of any money or funds

whatsoever. Instead, Boublik et al. is directed to the collection, conversion, and downloading of buying transaction information into an accounting application (Boublik et al. at ¶ 0032, 0050, 0052, 0060). Therefore, even using the Answer's view of a "bank," Boublik et al. fails to disclose any bank or any bank processing funds, much less a bank service application as recited in claim 1.

As regards the value-added tax recited in claims 5 and 12, the Examiner's Answer, on pages 7 and 8, equates the value-added tax of claims 5 and 12 to the sales tax of a transaction at the retail level of the supply chain. However, Boublik et al., unlike the present application, is completely silent regarding any tax whatsoever. Further, the Answer, on pages 6 and 7, has equated Boublik et al. as disclosing a banking service application, but now, on pages 7 and 8, characterizes Boublik et al. to be "the retail level of the supply chain . . . disclos[ing] value-add[ed] tax." Once again, there is absolutely no support for the leap of logic that is required to evolve from a sales tax on a purchasing transaction to "account data comprises information of value-added tax" as recited in claims 5 and 12, especially when Boublik et al. is silent on any type of tax whatsoever.

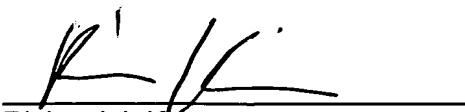
Conclusion

In summary, the Appellant respectfully submits that the Examiner has failed to show where the Boublik et al. reference cited under 35 USC § 102(e) anticipates each of the features recited in claims 1 - 20. More specifically, the Examiner has not shown how or where the prior art teaches or suggests all the claimed limitations. Accordingly, the Appellant respectfully requests the rejection of claims 1 - 20 be reversed.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 15, 2006

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